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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

Plaintiff,

v.

EDWARD ANTHONY RODRIGUEZ,

Defendant.

Case No. 2:14-cr-00003-JCM-CWH

ORDER

Presently before the court is the case of *U.S. v. Rodriguez*, case number 2:14-cr-00003-JCM-CWH.

On April 24, 2017, petitioner filed a motion to voluntarily dismiss his pending § 2255 motion to vacate. (ECF No. 47). The motion cites Federal Rule of Civil Procedure 41(a)(1)(a)(i) and the Rules Governing Section 2255 Cases, Rule 12. As the government had not yet filed an answer or response to the pending motion at the time petitioner filed its motion for voluntary dismissal, petitioner is entitled to voluntarily dismiss the motion.

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that petitioner's motion for voluntary dismissal (ECF No. 47) be, and the same hereby is, GRANTED.

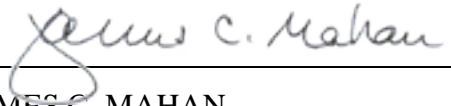
IT IS FURTHER ORDERED that petitioner's motion to defer ruling (ECF No. 46) be, and the same hereby is, DENIED as moot.

1 IT IS FURTHER ORDERED that petitioner's motion to vacate, set aside, or correct
2 sentence under 28 U.S.C. § 2255 (ECF No. 45) be, and the same hereby is, DENIED without
3 prejudice as moot.

4 IT IS FURTHER ORDERED that petitioner's abridged motion to vacate (ECF No. 44)
5 be, and the same hereby is, DENIED without prejudice as moot.

6 The clerk shall close the related civil case (2:16-cv-01414-JCM).

7 DATED THIS 20th day of April, 2018.

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10 JAMES C. MAHAN
11 UNITED STATES DISTRICT JUDGE
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